

REMARKS

After entry of this response, claims 1-39 remain pending. Claims 1, 20 and 31 have been amended, and no claims have been added.

Concurrently with this submission, the Applicant is providing payment for an RCE (Request for Continued Examination). The Applicant believes that no other fees are necessary at this time. However, if this is inaccurate, the Applicant would appreciate being notified at the correspondence address or the telephone number listed below.

The Applicant submits the following statements regarding the substance of an Examiner/Applicant interview held in the Examiner's office on 30 May 2006 (see also the Interview Summary by the Examiner). The interview was attended by the Examiner Regina Liang, the Applicant David W. Burns, and Debra B. Burns. A short presentation including a 3-D computer-generated solid model of the telemetric imager, the controller, and other claimed features was shown to the Examiner. Before the interview, the Examiner received a preliminary draft of amended independent claims for consideration. The Examiner and the Applicant discussed the difference between the claimed invention and the Ogawa reference. The Examiner indicated that the amended independent claims overcome the Ogawa reference, but that the newly added limitation in the proposed independent claims changes the scope of the claims and therefore would not be entered if filed after Final. In that the Examiner wishes to do an additional search and examine the claims further, this Amendment after Final is being submitted with a Request and payment for an RCE.

Although the Examiner believes that the amended claims provide a newly added limitation and change the scope of the independent claims, the Applicant asserts "a 'single' telemetric imager in the amended claims and "a telemetric imager" in the original claims are not substantively different. However, to satisfy the concerns of the Examiner and to place the claims in condition for allowance, the Applicant makes the clarifying amendments.

1. Claim Rejections – 35 U.S.C. § 102(b)

Claims 1-4, 6, 8, 10-13, 15, 16, 18, 20, 21, 23, 26-32, and 35-39 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ogawa (U.S. Patent No. 6,100,538), and it is asserted that the present invention by Burns was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. After reading the cited references and thoroughly reviewing the Examiner's comments, the Applicant continues to disagree with the Examiner's conclusions as put forth in the previous office action response.

However, to further clarify the present invention and place it into a form acceptable to the Examiner, Claims 1, 20 and 31 have been modified to denote a *single* telemetric imager, thereby differentiating the current application of Burns from that of Ogawa. Ogawa does not use a single telemetric imager (see, for example, left detecting unit 3L and right detecting unit 3R of Figs. 1 and 16 of Ogawa).

The Examiner's objections to Claims 1, 20 and 31 have therefore been remedied, and withdrawal of the rejections to Claims 1, 20, 31 and all claims that depend directly or indirectly thereon, is respectfully requested.

The Applicant wishes to clarify that while the system of Burns may determine the stylus position by comparing a first set of images and a second set of images from a telemetric imager (see page 13 of the previous office action response and Claims 14, 24 and 33), the stylus position may be determined more generally based on generated images from the first and second directions when the stylus tip is in the stylus entry region (see, for example, page 12 of the previous office action response; Claims 1, 20 and 31; and Figs. 4, 5 and 6 along with associated text in the specification).

As to Claims 2-4, 6, 8, 10-13, 15-16, 18, 21, 23, 26-30, 32, and 35-39, these claims depend on Claims 1, 20 or 31, and for at least the reasons that Claims 1, 20 and 31 are allowable then each of these claims is allowable, and withdrawal of the rejections to these claims is respectfully requested.

2. *Claim Rejections – 35 U.S.C. § 103(a)*

As to Claims 5, 25 and 34; Claims 7 and 22; Claim 9; Claim 17; Claim 19; and Claims 14, 24 and 33, which depend on Claims 1, 20 or 31, the combined teachings of the cited references (not repeated here for brevity) would not have suggested to those of ordinary skill in the art that the present invention is obvious, in that none of the references, singly or in combination, suggest or teach a system for determining a stylus position comprising a *single* telemetric imager based on generated images of the stylus tip as put forth in Claims 1, 20 and 31. Therefore, each of the rejected claims, for at least these reasons, should be allowable and withdrawal of the rejections to these claims is respectfully requested.

3. *Summary*

For the above set forth reasons, the Applicant respectfully submits that all of the claims in the application define over and are neither anticipated nor made obvious by the cited art, and that claims 1-39 herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and prompt passage to issue of the current application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

The Applicant, whose telephone number is (408) 729-6375, welcomes phone contact with the Examiner to discuss any of the contents of this request before a formal, written action is prepared.

Respectfully submitted,

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